

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JOHN ALLEN MCGILL,

Plaintiff,

v.

**Civil Action 2:10-cv-00026
Judge Edmund A. Sargus, Jr.
Magistrate Judge E.A. Preston Deavers**

**MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL SECURITY,**

Defendant.

ORDER

This matter is before the Court for consideration of the January 14, 2011 Report and Recommendation of the United States Magistrate Judge (Doc. 28). The Magistrate Judge recommended that the Court reverse the Commissioner of Social Security's non-disability finding and remand this case to the Commissioner for further proceedings consistent with the Report and Recommendation.

The Report and Recommendation of the Magistrate Judge specifically advises parties that the failure to object to the Report and Recommendation within fourteen days of the Report results in a "waiver of the right to *de novo* review . . . by the District Judge and waiver of the right to appeal the judgment of the District Court." (Report and Recommendation 19, ECF No. 28.) The time period for filing objections to the Report and Recommendation has expired. Defendant has not objected to the Report and Recommendation.

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Elizabeth A. Preston Deavers, to whom this case was referred pursuant to 28 U.S.C. § 636(b). Noting that no objections have been filed and that the time for filing such objections has expired, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge. Accordingly, the Court **REVERSES** the Commissioner of Social Security's non-disability finding and **REMANDS** this case to the Commissioner for further proceedings consistent with the Report and Recommendation.

IT IS SO ORDERED.

2-8-2011
DATE

MS.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE